

REMARKS

Claims 32-56 are all the claims pending in the application, with claims 32, 40, and 47 being the only independent claims.

Claims 32-56 stand rejected under 35 U.S.C. §102(e) as being anticipated by Shin (U.S. 6,640,105). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

“Amount of control PDUs”

Independent claim 32 is directed toward a traffic volume measurement method for controlling at least one radio bearer. This claim specifically requires that “the buffer occupancy for each logical channel related to the transport channel including an amount of data protocol data units (PDUs) and an amount of control PDUs.” Page 3 of the Action indicates that col. 6, line 26 of Shin teaches various aspects of this claim element. Applicant respectfully disagrees.

Applicant’s review of the cited portion of Shin finds this reference to be deficient as an anticipatory reference. The relevant portions of Shin relating to the cited passage are reproduced below.

“Basically, the MAC is provided with a RLC PDU from each of the RLCs which transports different radio access bearers RAB1, RAB2, and RAB3, and, at the same time, a state of each of the transport RLC buffers 1, 2, and 3 corresponding to respective radio access bearers from the RLC.” (Col. 6, lines 26-31) (emphasis added).

It appears that the Action equates the Shin RLC PDU with the claimed “control PDUs.” Applicant assumes *arguendo* that this is correct. Notwithstanding this assumption, a first distinction is that while Shin discloses “providing a RLC PDU,” it does not disclose an amount

of the RLC PDU. Recall, that claim 32 requires “buffer occupancy . . . including an amount of control PDUs.” Accordingly, even if the RLC PDU is provided to the MAC, an amount of the RLC PDU is not sent to the MAC.

“Data PDUs”

Another distinction relates to the claimed “data PDUs.” Applicant assumes further, for the sake of argument, that the providing of the RLC PDU to the MAC discloses an amount of control PDUs. Even if this were true, Shin does not disclose the claimed “data PDUs” feature. Specifically, Shin does not teach “buffer occupancy . . . including an amount of data protocol data units (PDUs) and an amount of control PDUs,” as recited in claim 32. Put another way, Shin relates to control PDUs, whereas claim 32 recites “control PDUs” and “data PDUs.”

“Measuring traffic volume”

Yet another distinction relates to the claim 32 “traffic measuring” feature. In particular, claim 32 further includes “measuring traffic volume for the transport channel by summing the buffer occupancy for each logical channel related to the transport channel.” The Action refers to Shin at col. 6, lines 31-34 as teaching this element. The cited portions of Shin are reproduced below.

“Then the MAC measures the a [sic] sum of data existing at the transport RLC buffers 1, 2, and 3, and the transport MAC buffers 4, and 5, which corresponds to the traffic volume transported through the CCTrCH (S11).” (Emphasis added).

The cited portions of Shin are instructive in demonstrating the differences between Shin and the identified claim element of claim 32. In particular, Shin makes clear that the identified sum of data relates to traffic volume through the CCTrCH. This is completely different than

what is occurring in claim 32, which requires “summing the buffer occupancy for each logical channel related to the transport channel.” Put another way, Shin relates to traffic volume through logical channels multiplexed by the CCTrCH, whereas claim 32 is directed toward traffic volume involving “each logical channel.” Consequently, claim 32 is distinguishable from the teachings of Shin for this additional reason.

Applicant submits that independent claim 32 is patentable over Shin for at least the reasons identified above. Independent claims 40 and 47 contain language similar to claim 32, and therefore these claims are also believed to be patentable over Shin for reasons similar to those presented above in conjunction with claim 32. Dependent claims 33-39, 41-46, and 48-56 are also patentable at least by virtue of their dependence upon their respective independent claims.

CONCLUSION

In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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